

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RANDALL KELTON, KARA BELL	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO: 1:23-CV-00395
	§	
NORDSTROM, INC. (d.b.a	§	
Nordstrom Rack), et al.	§	
Defendants	§	

**DEFENDANT NATHAN CRADDUCK'S RESPONSE TO PLAINTIFFS' MOTION
TO STRIKE RULE 12 MOTION**

TO THE HONORABLE U.S. DISTRICT JUDGE:

COMES NOW Defendant Nathan Cradduck and files this Response to the Plaintiffs' Motion to Strike Rule 12 Motion and respectfully shows the Court as follows:

I.

Plaintiffs have filed a Motion to Strike (Doc. 56), asking the Court to Strike the Motion to Dismiss (Doc. 22) filed by Defendant Nathan Cradduck, as well as Motions to Dismiss filed by numerous other Defendants. Plaintiffs' Motion to Strike argues that "the Rule 12 Motion[] to Dismiss filed by the Texas Attorney General on the behalf of the defendant[]... Nathan Cradduck... was filed improperly as the Attorney General lacked standing to represent persons sued in their private capacity." (Doc. 56, p. 1). Plaintiffs' Motion to Strike Defendant Cradduck's Motion to Dismiss is based on the erroneous assumption that Nathan Cradduck is being represented by the Texas Attorney General and that the Attorney General filed a Motion to Dismiss on behalf of Defendant Cradduck.

Nathan Cradduck is being represented by the undersigned attorney who is in private practice. Therefore, Plaintiffs' Motion to Strike should be denied.

WHEREFORE, PREMISES CONSIDERED, Defendant Nathan Cradduck respectfully requests that the Plaintiffs' Motion to Strike Rule 12 Motion be denied.

Respectfully submitted,

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AND NATHAN CRADDUCK

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2023 I filed a true and correct copy of the above and foregoing document electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all counsel of record. I also certify that a true and correct copy of the above document was served on the following individuals by Certified Mail, Return Receipt Requested:

Kara Bell, Pro Se Plaintiff
P.O. Box 341703
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Randall Kelton, Pro Se Plaintiff
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By: /s/ A. Craig Carter
A. Craig Carter